

**Remarks**

Claims 1, 4, 5, 6, 7, 8, 9, 10, 12, 14- 21 are presented for allowance. Claims 2 and 13 have been canceled.

Claim 1 has been amended to recite in part “the third electrode is substantially elastic, such as to be attachable with a first surface area at one edge to the second electrode and with a second surface area at an opposite edge to the first electrode , and such that on application of an actuation voltage the ratio of the first surface area to the second surface area is changeable” (emphasis added) (e.g. see FIG. 8) which is not disclosed nor suggested by by Kong et al. The Examiner mistakenly points to FIGs. 2 and 3 of Kong et al. to support the position that this limitation is disclosed by Kong et al. However, examination of FIGs. 2 and 3 of Kong et al. shows that the surface area of electrode 24 in contact with electrode 26 is identical to the surface area of electrode 24 in contact with electrode 28. Hence, Claim 1 as amended is allowable over Kong et al. and Claims 4, 5, 6, 7, 8 and Claims 14-21 which depend from Claim 1 as amended are allowable for at least the same reasons as Claim 1 as amended.

Claim 9 has been amended to recite in part “wherein a sacrificial layer used in the manufacture of the MEMS element forms a dielectric layer of the thin film components, and the layers of the second and third electrode also define electrodes of the thin film components” which is nowhere disclosed or suggested by Kong et al. Hence, Claim 9 as amended is allowable over Kong et al and Claims 10 and 12 which depend from Claim 9 as amended are allowable for at least the same reasons as Claim 9 as amended.

Applicants respectfully submit that Claims 1, 4, 5, 6, 7, 8, 9, 10, 12, 14- 21 are in condition for allowance and allowance is respectfully requested.

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